

SUB-CHAPTER 2.21

EXCEPTIONS AND MODIFICATIONS

SECTION

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14-2.2101. Lot of record. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient land to enable him to conform to the yard and other requirements of this ordinance, such lot may be used by said owner or a subsequent owner as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Zoning Appeals to the requirements for the district in which it is located. For each foot by which a lot of official record at the time of adoption of this ordinance is less than fifty (50) feet in width, two (2) inches may be deducted from the required least widths of either side yard and four (4) inches from the least sum of the widths of both side yards; provided, however, that no side yard shall be less than four (4) feet in width. (Ord. No. 338, Sec. 14 (A))

14-2.2102. Front yards. The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of a lot, within the same block and zoning district as such lot, is greater or less than the minimum required front yard depth. In such case the depth of the front yard on such lot shall not be less than the average front yard depths on such developed lots. (Ord. No. 338, Sec. 14 (B))

14-2.2103. Exceptions to height limits. The height limitations of this ordinance shall not apply to parapet walls not exceeding four feet in height, church spires, belfries, cupolas, domes, monuments, water towers, ventilators, observation towers, transmission towers, elevators and cooling towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials. (Ord. No. 338, Sec. 14 (C))

14-2.2104. Group housing projects. In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing project shall be done by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, and will insure substantially the same character of occupancy, and a density of a land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is be located.

In no case shall the Board of Zoning Appeals authorize a use or a building height or building area prohibited in the district in which the housing project is to be located. (Ord. No. 338, Sec. 14 (D))

14-2.2105. Special uses. No building or occupancy permit shall be issued for the construction or occupancy for any special uses such as:

- (1) Radio broadcasting towers and antennae.
- (2) Storage tanks for use in connection with the handling in bulk for wholesale of gasoline and volatile inflammable liquids, including facilities and structures adjunct to same.
- (3) Storage of heating or illuminating gas. Until and unless the location of such uses shall have been approved by the Board of Zoning Appeals and subject to such conditions as the Board may make to protect the public. All buildings and structures adjunct to the bulk or retail sale or handling of gasoline and volatile inflammable liquids shall be of fireproof construction and all equipment used in connection with and handling of gasoline and volatile inflammable liquids shall be in strict conformity with Regulation No. 1 of State of Tennessee, Department of Labor, Division of Fire Prevention, and in so far as applicable and not in conflict with the provisions of said Regulation No. 1, shall conform with the requirements set forth by the National Board of Fire Underwriter's in publication entitled "Suggested Fire Prevention Ordinance", Edition of 1943. (Ord. No. 338, Sec. 14 (E))

14-2.2106. Public utilities and public services. The provisions of this ordinance shall not be construed as to limit or interfere with the construction, installation operations and maintenance for public utility purposes, of water and gas pipe mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains and incidental appurtenances. (Ord. No. 338, Sec. 14 (F))

14-2.2107. Monumental Signs or Structures. No building or occupancy permit shall be issued for the construction or occupancy of any monumental sign or structure otherwise contrary to other provisions of this ordinance unless by special exception given by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood of the district where the proposed project is to be located. The provision applies to appurtenances intended to announce major residential and commercial developments as may be also approved by the Planning Commission as well as public facilities.

14-2.2108. Property identification signs. For purposes concerning the general safety and welfare of the City's residents and business developments, and as a means of providing property identification, property owners will be required to erect property identification signs within locations where ground-mounted signs are not permitted and within all zoning districts, excluding low-density residential zones. These signs shall be constructed in a uniform manner of concrete or stucco and shall measure six (6) feet in width and 30 inches in height. All such signs shall be located five (5) feet back from the property line and must be located on the side from which public access is provided. The sign must include the name of the principal use and the street number, with the street number itself to be nine (9) inches in height and the letters in the name to be 12 inches in height. Five (5) inches will be the dedicated area for the top and bottom margins (two and one-half inches for each), with four (4) inch spacing between the name and street number. All property identification signs shall be externally or internally illuminated. (As amended by Ord. No. 1049, Section 1)

14-2.2109. Commercial telecommunications towers. Towers on lots or parcels abutting any property zoned Residence "A", Residence "B", Residence "C" or any residentially zoned property shall be setback from that property by a minimum distance of 30 feet, plus an additional one foot for each three feet by which the tower exceeds 35 feet; or by the applicable principal use setback in the zoning district in which the tower is located, whichever is greater. The height of the tower shall not be calculated with the applicable building regulations. Guy wires for towers and above ground supports for guy wires shall be setback from side and rear property lines a minimum of ten (10) feet. No guy wire shall be located in a required front yard. (As amended by Ord. No. 1042, Section 1)

(1) Landscaping Requirements: For all towers, at least one row of evergreen trees or shrubs capable of forming a continuous hedge at least five feet in height and screening the base of the tower from public view within two years of planting shall be planted and maintained in a healthy condition. A break in the hedge, not to exceed 12 feet in width, shall be allowed for access for maintenance personnel and vehicles. New or existing vegetation, earth berms, existing topographic features, walls, fences, buildings and features other than those described above may be used to meet the requirements of these regulations if the planning commission finds that they achieve the same degree of screening. No screening shall be required if the base of the tower is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way, or if waiver of this requirement is necessary for the continued operation of agricultural or forestry uses. No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission Regulations.

(2) Appeal: The setback requirements may be waived through an appeal to the Board of Zoning Appeals (BZA). The BZA may grant a variance if the applicant shows that erection of the tower with the waiver will not adversely affect adjacent property or constitute a safety hazard.